



Order Filed on July 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

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Formed in the State of Florida

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Attorney for Creditor

In re:

Monte D. Hindsman,

Debtor.

Chapter: 13

Case No.: 19-15668-JNP

Hearing Date: July 21, 2020

Judge Jerrold N. Poslusny, Jr.

CONSENT ORDER RESOLVING MOTION TO VACATE AUTOMATIC STAY

The relief set forth on the following page is hereby **ORDERED**.

DATED: July 27, 2020

A handwritten signature in dark ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Debtor: Monte D. Hindsman
Case No.: 19-15668-JNP
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE
AUTOMATIC STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate Automatic Stay (“Motion”) filed by Fifth Third Bank, N.A. (“Movant”), and whereas the post-petition arrearage was **\$2,212.30** as of July 10, 2020 and whereas the Debtor and Movant seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Movant’s interest in the following property: 2017 HYUNDAI TUCSON; VIN: KM8J23A47HU396834 (“Property”) provided that the Debtor complies with the following:

- a. On or before July 23, 2020, the Debtor shall make a lump sum payment of \$1,200.00 directly to Creditor;
- b. Beginning with the August 23, 2020 payment, the Debtor shall cure the post-remaining petition arrearage amount of **\$1,012.30** by making six (6) consecutive monthly payments of \$168.72 each until the arrearage is paid in full;
- c. The Debtor shall resume making the regular contractual monthly payments directly to Creditor as each becomes due, beginning with the July 23, 2020 payment and continuing thereon per the terms of the underlying loan; and
- d. Remain current on all post-petition payment obligations, as well as all payments being paid through the Chapter 13 Plan.

2. The Debtor will be in default under the Consent Order in the event that the Debtors fail to comply with the payment terms and conditions set forth in above paragraphs and/or if the Debtor fails to make any payment due to Movant under the Chapter 13 Plan.

3. If the Debtor fails to cure the default within thirty (30) days from the date of default, Movant may submit a Certificate of Default to the Court on fourteen (14) days' notice to counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. §362(a) permitting Movant to exercise any rights under the loan documents with respect to the Property.

4. Movant is awarded reimbursement of attorney fees and costs in the amount of \$350.00 and \$181.00, respectfully to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

/s/Kevin C. Fayette

Kevin C. Fayette, Esq.
Law Offices of Kevin Fayette, LLC
1675 Whitehorse Mercerville Road, Suite 204
Hamilton, NJ 08619
Counsel for Debtor

/s/Gavin N. Stewart

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Counsel for Creditor

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Monte D. Hindsman
Debtor

Case No. 19-15668-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 27, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 29, 2020.

db +Monte D. Hindsman, 100 Sandbar Road, Egg Harbor Township, NJ 08234-8117

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 29, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 27, 2020 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Fifth Third Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Gavin Stewart on behalf of Creditor Fifth Third Bank, N.A. bk@stewartlegalgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Kevin C. Fayette on behalf of Debtor Monte D. Hindsman kfayette@kevinfayette.com
Kevin Gordon McDonald on behalf of Creditor Fifth Third Bank kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7